

Appeal Decision

Site visit made on 23 September 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/C3430/W/20/3251267

Fieldfare, Cock Lane, Bednall ST17 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Shaw against the decision of South Staffordshire Council.
 - The application Ref 19/00741/FUL, dated 1 October 2019, was refused by notice dated 21 February 2020.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling at Fieldfare, Cock Lane, Bednall ST17 0SD in accordance with the terms of the application, Ref 19/00741/FUL, dated 1 October 2019, subject to the conditions detailed in the attached schedule.

Application for costs

2. An application for costs was made by Mr J Shaw against South Staffordshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of The Cottage with regards to light and privacy.

Reasons

Character and appearance

4. The surrounding area is characterised predominantly by residential properties in a village setting surrounded by rural countryside. The built development in the area is a mix of different sizes and architectural styles. It is this variation in the built form which contributes to the character of the area.
5. The proposed property would be bigger than the existing bungalow, being approximately 2.8 metres higher and having an increased floor area of around 260%. The proposal is described as having a grand appearance with features such as a columned porch. The size and architectural features of the proposed property would not be overly elaborate and would be in keeping with the varied scale and styles of buildings in the area.
6. The proposal would be located at the edge of the village and whilst adjacent to a highway, this road is not the primary route into the village. The proposed property would be set back from the highway and due to its location, it would

not compromise the green spinal route through the village core. The building is sensitive in its design and massing and would not compromise the appearance of the surrounding area, including views from the south and east.

7. The proposal would be an acceptable form of development and would not be harmful to the character and appearance of the surrounding area. The proposal accords with Policy EQ11 of the South Staffordshire Core Strategy Development Plan Document 2012 (CSDPD) and the South Staffordshire Design Guide 2018 which seeks all development to achieve good design and take into account local character and distinctiveness.

Living conditions

8. The front elevation of the proposed property would be orientated towards the neighbouring property known as The Cottage. The proposal would be set sufficient distance away from The Cottage achieving adequate separation and ensuring that the occupiers of The Cottage would not be adversely compromised in terms of privacy.
9. The proposal would be of two storey construction and set back from the boundary with The Cottage. Whilst it has been described that there is no natural screening between the properties. Due to the proposals size, height and positioning, there would be no overbearing or overshadowing effects created that would result in loss of light that would be to the detriment of the occupiers of The Cottage.
10. The proposed development would not have a harmful effect on the living conditions of the occupiers of The Cottage with regards to light and privacy. The proposal would be in accordance with Policy EQ9 of the CSDPD which seeks to protect residential amenity.

Other matters

11. I have had regard to correspondence from the Council and local residents including comments on the loss of trees, birdlife, highway safety and traffic congestion, noise pollution, submitted photos and reference to previous proposal¹. I have given careful consideration to all these matters when reaching my decision, but they do not lead me to a different overall conclusion on the main issues.

Conditions

12. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. To ensure the development does not compromise the character and appearance of the area, conditions are necessary in relation to materials, boundary treatment and removal of some permitted development rights. Conditions are imposed with regards to landscaping, lighting, bat boxes and methods of working which are necessary in the interests of protected species.
13. In the interests of highway safety, conditions are necessary in relation to access drive, parking and turning areas, and gate details. The Council Highways Authority had requested a condition restricting the use of the garage to domestic. This condition is not necessary as the proposal, including the

¹ Local Planning Reference: 19/00458/FUL

garage, would be residential use. A condition was also requested for part of the access within the public highway to be reconstructed and completed prior to occupation however, given the existing access is to be utilised I do not consider this condition to be relevant.

Conclusion

14. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey; Plans, Site Plan & Location Plan; Elevations, Sections & Site Plan; Site Block Massing Plan.
- 3) Before the development hereby approved is commenced, details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 4) Before the development hereby approved is commenced, a landscape and planting plan shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Before the development hereby approved is commenced, details of all boundary treatment shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 6) Before the development hereby approved is commenced, details of the type and location of two built-in bat boxes as per recommendations in the revised Preliminary Bat Roost Assessment and Bird Survey (S Christopher Smith, dated 4th July 2019) shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 7) Demolition of the existing bungalow must follow the Method of Working detailed in the revised Preliminary Bat Roost Assessment and Bird Survey (S Christopher Smith, dated 4th July 2019).
- 8) Before the development hereby approved is occupied, details of the access drive, parking and turning areas shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 9) Any vehicular gates shall be located a minimum of 6.0m from the rear of the carriageway boundary and shall open away from the highway.
- 10) Before the development hereby approved is occupied, details of all external lighting shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other subsequent equivalent order, no development within the following classes of development shall be carried out to the dwelling hereby approved without the prior approval of the Local Planning Authority:

- Schedule 2, Part 1, Class A – enlargement, improvement or other alteration
- Schedule 2, Part 1, Class B – addition or alteration to the roof
- Schedule 2, Part 1, Class C – any other alteration to the roof
- Schedule 2, Part 1, Class E – garden buildings, enclosures, pool oil or gas storage container.